

I. REJECTION UNDER 35 USC §102

Claims 21-40 stand finally rejected under 35 USC §102(b) as being clearly anticipated by Solazzi '210. In support of this rejection, the examiner essentially contends that it doesn't matter that Solazzi '210 doesn't disclose the structure of the claimed invention, since Solazzi operates essentially the same as claimed. In particular, the examiner states that:

"...Solazzi, as shown in figure 3, teaches a first member (12) and a second member (23) which pulls the film down around the first member as shown in figures 4-5 which is indistinguishable from the instant claims."

The examiner is reminded, however, that anticipation under 35 USC §102, requires that the cited reference teach every structural aspect of applicant's claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present in the reference. In this regard, Solazzi '210 doesn't even come close to the present invention, since Solazzi fails to disclose a generally cylindrical wall which extends from the annular flange of the first member to the second end of the first member wall when the members are assembled together as was previously claimed. As shown in FIGS. 4 and 5 of Solazzi '210, the second member wall extends from a point which is substantially spaced from the first member's annular flange 17. Thus, when the two members in Solazzi '210 are assembled to retain the thin film placed across said second end of the first member, the overhanging portion of the thin film is not pulled all the way down around the wall of the first member. Hence, the

thin film extending across the second end of the first member will not be sufficiently taut thereby causing inconsistencies in the sample plane.

In order to make this distinction perfectly clear, claims 21, 26 and 33 have been further amended to recite:

"a second member having a generally cylindrical wall having a first end and a second, said second member cylindrical wall extending from said annular flange of said first member to said second end of said wall of said first member when said members are assembled together, wherein said first end of said second member cylindrical wall places the thin film against said annular flange of said first member"

The second member 23 of Solazzi '210 is structurally incapable of placing the thin film against the annular flange 17 of the first member 12. Moreover, the second member 23 of Solazzi '210 is incapable of pulling an overhanging portion of the thin film down around an entire outer surface of the first member wall to progressively increase the tautness of the thin film extending across the second end of the first member as presently recited in claims 21 and 26.

Since Solazzi '210 fails to teach every aspect of presently amended claims 21-40 the rejection under 35 USC §102(b) should be withdrawn.

II. CONCLUSION

In view of the foregoing, the applicant submits that claims 21-40 are currently in condition for allowance, early

notification of which is earnestly solicited. Should there remain any questions or other matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the applicant's undersigned attorney at his number below.

It is believed that no fees are due and owing on account of the present amendment. If there are any other fees due and owing, please charge Deposit Account No. 16-2131.

Respectfully submitted,

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